

## **Chapter 18.430 SUBDIVISIONS**

### **Sections:**

<b>18.430.010</b>	<b>Purpose</b>
<b>18.430.020</b>	<b>General Provisions</b>
<b>18.430.030</b>	<b>Approval Process</b>
<b>18.430.040</b>	<b>Approval Criteria: Preliminary Plat</b>
<b>18.430.050</b>	<b>Submission Requirements: Preliminary Plat</b>
<b>18.430.060</b>	<b>Adjustments Authorized</b>
<b>18.430.070</b>	<b>Approval Criteria: Final Plat</b>
<b>18.430.080</b>	<b>Improvement Agreement</b>
<b>18.430.090</b>	<b>Bond</b>
<b>18.430.100</b>	<b>Filing and Recording</b>
<b>18.430.110</b>	<b>Vacation of Plats</b>

### **18.430.010 Purpose**

A. Purpose. The purpose of this chapter is:

1. To provide rules, regulations and standards governing the approval of plats of subdivisions;
2. To carry out the development pattern and plan of the City;
3. To promote the public health, safety and general welfare;
4. To lessen congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
5. To provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage; and
6. To encourage the conservation of energy resources.

### **18.430.020 General Provisions**

A. Approval through two-step process. An application for a subdivision shall be processed through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and
2. The final plat shall reflect all conditions of approval of the preliminary plat.

B. Compliance with ORS Chapter 92. All subdivision proposals shall be in conformity with all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.

C. Future re-division. When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this title.

- D. Lot averaging. Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district as long as the average lot area for all lots is not less than allowed by the underlying zoning district. No lot created under this provision shall be less than 80% of the minimum lot size allowed in the underlying zoning district.
- E. Temporary sales office. Temporary sales offices in conjunction with any subdivision may be granted as set forth in Chapter 18.785, Temporary Uses.
- F. Minimize flood damage. All subdivision proposals shall be consistent with the need to minimize flood damage.
- G. Floodplain dedications. Where land filling and/or development is allowed within and adjacent to the 100-year floodplain outside the zero-foot rise floodway, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.
- H. Need for adequate utilities. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- I. Need for adequate drainage. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- J. Determination of base flood elevation. Where base flood elevation has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

#### **18.430.030      Approval Process**

- A. Review of preliminary plat. Review of a preliminary plat for subdivision shall be processed by means of a Type II procedure, as governed by Chapter 18.390, using approval criteria contained in Section 18.430.040. An application for subdivision may also be reviewed concurrently with an application for a planned development, as governed by Chapter 18.350.
- B. Review of final plat. Review of a final plat for subdivision shall be processed by means of a Type I procedure, as governed by Chapter 18.390, using approval criteria contained in Section 18.430.080.
- C. Approval period. Preliminary plat approval by the Approval Authority shall be effective for a period of 1-1/2 years from the date of approval. The preliminary plat shall lapse if:
  - 1. A final plat has not been submitted within a 1-1/2 year period; or
  - 2. The final plat does not conform to the preliminary plat as approved or approved with conditions.
- D. Extension. The Director shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year; provided that:
  - 1. No changes are made on the original preliminary plat plan as approved;
  - 2. The applicant has expressed written intent of submitting a final plat within the one-year extension period;

3. There have been no changes to the applicable ordinance provisions on which the approval was based; and
4. An extension of time will not preclude the development of abutting properties.

E. Phased development.

1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat;
2. The criteria for approving a phased site development review proposal are:
  - a. The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;
  - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:
    - (1) For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and
    - (2) The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.
3. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

**18.430.040 Approval Criteria: Preliminary Plat**

- A. Approval criteria. The Approval Authority may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:
1. The proposed preliminary plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;
  2. The proposed plat name is not duplicative or otherwise satisfies the provisions of ORS Chapter 92;
  3. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the City determines it is in the public interest to modify the street or road pattern; and
  4. An explanation has been provided for all common improvements.

- B. Conditions of approval. The Approval Authority may attach such conditions as are necessary to carry out the comprehensive plan and other applicable ordinances and regulations and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.

**18.430.050 Submission Requirements: Preliminary Plat**

- A. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by Chapter 18.390.
- B. Additional information. In addition to the general information described in Subsection A above, the preliminary plat shall contain specific information, the detailed content of which can be obtained from the Director.

**18.430.060 Adjustments Authorized**

- A. Granting of adjustments. Adjustments to the subdivision regulations prescribed by this title may be authorized by the Director, and application shall be made with a preliminary plat application in accordance with Section 18.430.050. Criteria for granting such adjustments are contained in Section 18.370.020 C1.

**18.430.070 Approval Criteria: Final Plat**

- A. Submission requirements. The applicant shall submit the final plat within 1-1/2 years of the approval of the preliminary plat. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Director.
- B. Approval criteria. By means of a Type I procedure, the Director and the City Engineer shall review the final plat and shall approve or deny the final plat approval based on findings that:
1. The final plat complies with the preliminary plat approved by the Approval Authority and all conditions of approval have been satisfied;
  2. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
  3. The streets and roads held for private use and indicated on the preliminary plat of such subdivision have been approved by the City;
  4. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems;
  5. An explanation is included which explains all of the common improvements required as conditions of approval and are in recordable form and have been recorded and referenced on the plat;
  6. The plat complies with the applicable zoning ordinance and other applicable ordinances and regulations;
  7. A certification by the appropriate water district that water will be available to the lot line of each and every lot depicted on the plat or bond, contract or other assurance has been provided by the subdivider to the City that a domestic water system will be installed by or on behalf of the

subdivider to the lot line of each and every lot depicted on the plat. The amount of the bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in amount as determined necessary by the City;

8. A certificate has been provided by the City's Engineering Department that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat;
9. Copies of signed deeds have been submitted granting the City a reserve strip as provided by Section 18.430.040B; and
10. The plat contains a surveyor's affidavit by the surveyor who surveyed the land represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92[.060] and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. survey or giving two or more objects for identifying its location.

#### **18.430.080 Improvement Agreement**

- A. Improvement agreement required. Before City approval is certified on the final plat, and before approved construction plans are issued by the City, the subdivider shall:
  1. Execute and file an agreement with the City Engineer specifying the period within which all required improvements and repairs shall be completed; and
  2. Include in the agreement provisions that if such work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the subdivider.
- B. Stipulation of improvement fees and deposits. The agreement shall stipulate improvement fees and deposits as may be required to be paid and may also provide for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

#### **18.430.090 Bond**

- A. Performance guarantee required. As required by Section 18.430.080, the subdivider shall file with the agreement an assurance of performance supported by one of the following:
  1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
  2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
  3. Cash.
- B. Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

- C. Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.
- D. When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.
- E. Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.

#### **18.430.100 Filing and Recording**

- A. Filing plat with County. Within 60 days of the City review and approval, the applicant shall submit the final plat to the County for signatures of County officials as required by ORS Chapter 92 and Section 18.430.070.
- B. Proof of recording. Upon final recording with the County, the applicant shall submit to the City a mylar copy of the recorded final plat. This shall occur prior to the issuance of building permits for the newly-created lots.
- C. Prerequisites to recording the plat.
  - 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
  - 2. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.

#### **18.430.110 Vacation of Plats**

- A. Timing of vacations. Any plat or portion thereof may be vacated by the owner of the platted area at any time prior to the sale of any lot within the platted subdivision.
- B. Compliance with other provisions of this chapter. All applications for a plat or street vacation shall be made in accordance with Sections 18.430.020 and 18.430.030, and 18.430.080A.
- C. Basis for denial. The application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys.
- D. Timing of vacations. All approved plat vacations shall be recorded in accordance with Section 18.430.110:
  - 1. Once recorded, the vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
  - 2. The vacation shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.

- E. After sale of lots. When lots have been sold, the plat may be vacated in the manner herein provided by all of the owners of lots within the platted area.
- F. Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271 and Chapter 15.08 of this code.■